

5.005 Actions to challenge constitutionality of legislative districts -- Parties -- Petition -- Panel of three Circuit Judges to decide challenge -- Consolidation of challenges -- Appeal of final judgment.

- (1) An action challenging the constitutionality of any legislative district created by this chapter shall be brought before a Circuit Court panel of three (3) judges, as convened pursuant to this section, which shall have exclusive jurisdiction in all matters relating to redistricting.
- (2) The Secretary of State shall be named as a defendant in any action challenging the constitutionality of any legislative district created by this chapter.
- (3) The Legislative Research Commission may intervene as a matter of right in any action challenging the constitutionality of any legislative district created by this chapter.
- (4)
 - (a) Petitions to challenge the constitutionality of any legislative district created by this chapter may be filed with the Circuit Court clerk in the judicial circuit where the petitioner resides.
 - (b) The circuit clerk shall at once certify the challenge to the Chief Justice of the Kentucky Supreme Court. Within twenty (20) days of the certification, the Chief Justice shall randomly select three (3) current or retired Circuit Judges to convene as a panel. No judge serving on the panel shall be from the same Supreme Court district as any other judge serving on the panel.
 - (c) Any judge selected for the panel shall have all the powers and responsibilities of a regular judge of the court. In addition, one (1) of the randomly selected judges shall be named by the Chief Justice as the chief judge for the panel.
 - (d)
 1. The chief judge may grant a temporary restraining order on a specific finding, based on evidence submitted, that specified irreparable damage will result if the order is not granted. The order shall remain in force only until the full panel hears and determines any petition for a preliminary injunction.
 2. Any action of a single judge pursuant to this section may be reviewed by the full panel at any time before a final judgment is issued in the challenge for which the panel was convened.
 - (e)
 1. The challenge shall be heard and any orders shall be entered in the judicial circuit in which the petition was filed.
 2. If subsequent challenges to the same legislative redistricting plan are filed in the same or any other Circuit Court while the initial challenge is pending, the challenges shall be consolidated and tried together.
 - (f) The panel shall decide the challenge by concurring vote of a majority of its judges, and the decision shall be subject to the same rights of appeal as in other civil actions.
 - (g) A retired justice or judge serving on a panel convened under this section shall be compensated as provided by KRS 21A.110.

Effective: June 27, 2019

History: Amended 2019 Ky. Acts ch. 122, sec. 1, effective June 27, 2019. -- Created 1996 Ky. Acts ch. 1, sec. 103, effective January 11, 1996; and ch. 2, sec. 41, effective January 11, 1996.

Legislative Research Commission Note (7/15/96). The text contained in this statute was enacted identically in two separate Acts of the 1996 Regular Session which have been codified together.